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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3982 OF 2006

Sunil @ Gunga Rahdas Tak
and Ors. .. Applicants

Versus

State of Maharashtra .. Respondents

Mr.Jayesh Kocheta i/b. S.P.Hulyalkar for applicants
Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st November 2006

P.C.

. Mr.Kocheta, upon instructions states that

the present application is pressed in so far as applicant Nos. 1 and 6 is concerned. At the request of Mr.Kocheta, application is dismissed as not pressed as far as other applicants are concerned. However, they shall be at liberty to renew their application for bail before the trial court after the investigations are complete and charge sheet is filed.

2. As far as applicant Nos. 1 and 6 are concerned, from the statement of complainant, copy of which is annexed at page 10, it does not appear that they had any role in the fight which took place on 26th August 2006. Learned A.P.P. does not dispute the contentions of Mr.Kocheta that the applicant Nos. 1 and 6 had no role to play so also there are no recoveries made as far as these applicants.

3. In such circumstances, even though investigations are in progress, in the facts peculiar to Applicant Nos. 1 and 6, they deserve

to be enlarged on bail with following conditions. Hence, the order:-

i) The applicant No.1 Sunil @ Gunga Rahdas Tak and applicant No.6, Sonu @ Anand Suresh Bhill arrested in connection with C.R.No.198 of 2006 registered with Dehu Road Police Station shall be enlarged on bail in the sum of Rs.15,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will remain present before the concerned investigating officer of Dehu Road Police Station once a week on every Saturday between 5.00 p.m. and 7.00 p.m.till the charge sheet is filed and thereafter, as directed by the trial court.

iii) The order of bail will be given

effect only after the applicants furnish to the investigating officer the details about his place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)